

crit  
C4

a second arm spaced from and extending generally parallel to said first arm to form an elongate slot between said first and second arms, said slot being sized to receive the brake pedal shaft and permitting a full extension of the brake pedal shaft through said slot; and  
a locking mechanism operably associated with at least one of said first and second arms for locking at least a portion of the brake pedal shaft within said slot to thereby prevent depression of the brake pedal.

---

Attached is a Marked-Up Version of Claims wherein underlining indicates additions and bracketing indicates deletions illustrating the amendments to claims 1, 4, 7 and 9.

#### REMARKS

Claims 1-7 and 9 are currently pending in the application, as amended. Claims 1, 4, 7 and 9 have been amended to replace the phrases, "control pedal" and "control pedal shaft" with the phrases, "brake pedal" and "brake pedal shaft," respectively, as suggested by the Examiner. Support for this Amendment can be found at, *inter alia*, column 4, lines 40-54 and in Fig. 4. Accordingly, no new matter has been added.

#### CLAIMS

##### Claim Rejections – 35 USC § 112

The Examiner rejected claims 1-7 and 9 under 35 U.S.C. § 112, first paragraph as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner argues that the claims setting forth a "control pedal," instead of a "brake pedal" comprise new matter since the specification only mentions a brake pedal. Applicant respectfully traverses this rejection in view of the foregoing amendment.

Applicant has amended claims 1, 4, 7 and 9 to delete the phrases, "control pedal" and "control pedal shaft" and has inserted therefor, the phrases, "brake pedal" and "brake pedal shaft," respectively, as suggested by the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw any rejection of claims 1-7 and 9, as amended, under 35 U.S.C. § 112, first paragraph.

**CONCLUSION**

In view of the foregoing Amendment and Remarks, Applicant respectfully submits that the present application, including claims 1-7 and 9 is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

**ROBERT A. VITO**

February 7, 2002  
(Date)

By:

Martin G. Belisario

**MARTIN G. BELISARIO**

Registration No. 32,886

**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**

One Commerce Square

2005 Market Street - 22nd Floor

Philadelphia, PA 19103-7086

Telephone: (215) 965-1200

**Direct Dial: (215) 965-1303**

Facsimile: (215) 965-1210

E-Mail: mbelisario@akingump.com

MGB/DJB:ccr

**Marked-Up Version of Claims**

The following is a Marked-Up Version of Claims wherein underlining indicates additions and bracketing indicates deletions.

1. (Twice Amended) A device for locking a [control]brake pedal and [control]brake pedal shaft of a vehicle, said device comprising:

a base member for a placement on a floorboard of the vehicle beneath [a control]the brake pedal and [control]brake pedal shaft;

a U-shaped housing extending downward and having a first arm attached to said base and having a second shorter arm defining a gap for receipt of the [control]brake pedal shaft, said gap between said first and second arms defining a slot for receiving the [control]brake pedal shaft and permitting full extension of the [control]brake pedal shaft upward through said slot; and

a locking mechanism associated with said first arm for locking an underside of the brake pedal shaft within said slot such that the [control]brake pedal cannot be depressed.

4. (Twice Amended) A device for locking a [control]brake pedal and a [control]brake pedal shaft of a vehicle, said device comprising:

a base member for placement on a floorboard of the vehicle beneath the brake pedal and brake pedal shaft;

a metallic U-shaped housing extending downward and having a first arm attached to said base and having a second shorter arm defining an opening for receiving the brake pedal shaft, said opening between said first and second arms defining a slot for receiving the brake pedal shaft and permitting full extension of the brake pedal shaft both upward and downward through said slot, said first arm having a cylindrical opening therethrough;

a rod extending through said cylindrical opening and being slidable therein, said rod having a pin which catches an underside of the brake pedal shaft within said slot and pulls the brake pedal shaft upward in a decompressed position; and

a locking mechanism for locking a position of said rod and pin with respect to said housing such that the brake pedal cannot be depressed.

7. (Twice Amended) A device for locking a [control]brake pedal and [control]brake pedal shaft of a vehicle, said device comprising:

a base member for a placement on a floorboard of the vehicle beneath the brake pedal and brake pedal shaft;

a stainless steel U-shaped housing extending downward and having a first arm attached to said base and having a second shorter arm defining an opening for receiving the brake pedal shaft, said opening between said first and second arms defining a slot for receiving the brake pedal shaft and permitting full extension of the brake pedal shaft both upward and downward through said slot, said first arm having a cylindrical opening extending therethrough;

a serrated rod extending through said cylindrical opening and being slidable therein, said rod having a pin at a first end for catching an underside of the brake pedal shaft within said slot and a handle at a second end for pulling the brake pedal shaft upward in a decompressed position; and

a locking mechanism adapted to lock said serrated rod and pin with respect to said housing such that the brake pedal cannot be depressed.

9. (Amended) An anti-theft device for locking a [control]brake pedal and brake pedal shaft with respect to a floorboard of a vehicle, the device comprising:

a base member for a placement on the floorboard of the vehicle;

a first arm connected to said base member;

a second arm spaced from and extending generally parallel to said first arm to form an elongate slot between said first and second arms, said slot being sized to receive [a]the brake pedal shaft [of the control pedal] and permitting a full extension of the [control]brake pedal shaft through said slot; and

a locking mechanism operably associated with at least one of said first and second arms for locking at least a portion of the [control]brake pedal shaft within said slot to thereby prevent depression of the [control]brake pedal.